

15214. Misbranding of cottonseed meal. U. S. v. 180 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21092. I. S. No. 4089-x. S. No. C-5152.)

On May 26, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 180 sacks of cottonseed meal, remaining in the original unbroken packages at Amite, La., alleging that the article had been shipped by the Hazelhurst Oil Mill & Fertilizer Co., Hazelhurst, Miss., on or about April 29, 1926, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal Manufactured by Hazelhurst Oil Mill & Fer. Co., Hazelhurst, Mississippi, Guaranteed Analysis * * * Protein or Albuminoids 41.15%."

It was alleged in the libel that the article was deficient in protein, and was misbranded, in that the statement "Protein or Albuminoids 41.15%," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 8, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15215. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21846. I. S. No. 16519-x. S. No. E-6085.)

On March 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Red Wing Creamery from Red Wing, Minn., on or about March 17, 1927, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reasons that the article was offered for sale under the distinctive name of another article, and that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 15, 1927, the Red Wing Creamery Co., Red Wing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$360, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat, and be marked to show the true quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

15216. Adulteration and misbranding of coffee. U. S. v. 10 Cans of Coffee. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21020. I. S. No. 9833-x. S. No. C-5070.)

On April 14, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cans of coffee, remaining in the original unbroken packages at San Augustine, Tex., alleging that the article had been shipped by the Cuban Coffee Mills, Shreveport, La., on or about March 11, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (cases) "Cuban S. P. B. Blend," (cans) "Packed by Cuban Coffee Mills, Shreveport, La."

Adulteration of the article was alleged in the libel for the reason that a substance, chicory, had been mixed and packed therewith so as to reduce and lower

and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "S. P. B. Blend" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On September 7, 1926, the Cuban Coffee Mills, Shreveport, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15217. Adulteration and misbranding of mixed frozen eggs. U. S. v. 344 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21840. I. S. No. 19351-x. S. No. C-5454.)

On April 16, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 344 cans of mixed frozen eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Wichita Ice & Cold Storage Co., from Wichita, Kans., in part February 26, 1927, and in part February 27, 1927, and transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1927, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that the decomposed portion be removed therefrom under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15218. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20836. I. S. No. 3825-x. S. No. W-1661.)

On February 11, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Swink, Colo., consigned by the Planters Cottonseed Products Co., Dallas, Tex., alleging that the article had been shipped from Dallas, Tex., on or about January 28, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Texoma Brand Primer Cottonseed Cake and Meal * * * Guaranteed Analysis Protein not less than 43%. Texas Cake and Linter Company, Dallas, Texas."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein not less than 43%" was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On July 6, 1927, the Planters Cottonseed Products Co., Dallas, Texas, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$550, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*